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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 8:23-cv-01715-JLS-ADS  
Title: L.D. v. EzyRoller, LLC et al

Date: December 09, 2024

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

<u>Kelly Davis</u>	<u>N/A</u>
Deputy Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER AWARDING PLAINTIFF  
REASONABLE ATTORNEYS' FEES AND COSTS DUE TO  
DEFENDANT'S FAILURE TO APPEAR AT FINAL  
PRETRIAL CONFERENCE**

On November 22, 2024, the Court ordered Defendant to show cause as to why it failed it to appear at the Final Pretrial Conference in this matter and otherwise failed to follow the Court's procedures for requesting a remote appearance. The Court explained that “[absent a strong showing of good cause by Defendant, the Court will award Plaintiff's counsel reasonable costs and attorneys' fees incurred in appearing before the Court on November 22, 2024.” (Order to Show Cause (“OSC”), Doc. 90.) Defendant timely filed a response, explaining that its counsel “mistakenly” believed that “virtual attendance was permitted” by the Court. (Response at 1–2, Doc. 95.) Defendant further stated in his declaration that he “had reviewed the FRCP, Local Rules, and Department Rules, and had incorrectly concluded that virtual appearance was permitted.” Plaintiff's counsel, Andrew Ryan and Jason Kayne, have submitted declarations regarding the attorneys' fees and costs incurred in appearing before the Court. (Ryan Decl., Doc. 92; Kayne Decl., Doc. 93.)

The Court finds that Defendant has not shown good cause for its failure to comply with the Court's Procedures, which are available on the Court website and incorporated by reference into the Standing Order issued in this case. The Court's Procedures direct that “[a]bsent extraordinary circumstances, all hearings before the Court are conducted in

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person. Requests to appear by telephone or Zoom videoconference must be made by filing an application no fewer than five days in advance of the hearing.” (See Procedures Page (as incorporated by the Standing Order, Doc. 35 at 2).) Thus, even if the non-appearance was based on a mistaken belief, it is not possible that defense counsel carefully reviewed the applicable procedures before arriving at that belief.

As such, Plaintiff’s counsel are entitled to reasonable costs and attorneys’ fees incurred in appearing before the Court on November 22, 2024. Attorney Kayne requests fees in the amount of \$2,097.50, which accounts for 2.5 hours billed at an hourly rate of \$839. (See Kayne Decl.) Attorney Ryan requests fees in the amount of \$3,423.00, which accounts for 3 hours billed at an hourly rate of \$1,141.00. (See Ryan Decl.) Kayne and Ryan also request \$28.88 and \$46.26, respectively, for parking and mileage expenses driving to and from the courthouse. (Kayne Decl.; Ryan Decl.) In total, the requested fees and expenses amount to \$5,595.64.

The Court finds the requested number of hours to be reasonable, but finds the requested rates to be high for the legal community and nature of the litigation. Accordingly, Defendant is ORDERED to pay Plaintiff attorneys’ fees of \$3900 and expenses of \$75.14 for a total of **\$3975.14** within **14 days** of the issuance of this Order.

Initials of Preparer: kd